

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**AMENDED COMPLAINT**

CIVIL ACTION NO. 20-cv-11357

**SAMSON RACIOPPI,**

**Plaintiff,**

**v.**

**GOVERNOR CHARLIE BAKER, in his  
personal and official capacity as Governor for  
the STATE OF MASSACHUSETTS; MAYOR  
MARTIN WALSH, in his personal and official  
capacity as the Mayor for the CITY OF  
BOSTON; COMMISSIONER WILLIAM  
EVANS, in his personal and official capacity  
as the Commissioner for the Boston Police  
Department,**

**Plaintiff.**

FILED  
IN CLERKS OFFICE  
2020 NOV -5 PM 3:41  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**USMS  
SCREENED**

AMENDED COMPLAINT (Jury Trial Requested)

Plaintiff Samson Racioppi (“Samson”) for his Complaint against Defendants Charlie Baker (“Governor Baker”), Martin Joseph Walsh (“Mayor Walsh”), former Boston Police Department Commissioner William Evans (“Commissioner Evans”), the State of Massachusetts (“State”), the City of Boston (“Boston”), Boston Police Department, (“Police”), (collectively, “Defendants”), states as follows :

INTRODUCTION

This is an action brought under 42 U.S.C. 1983, and the First and Fourteenth Amendments to the United States Constitution for damages and declaratory relief against the State of Massachusetts and its Governor Charlie Baker; the City of Boston and its Mayor Martin Walsh; and the Boston Police Department and its former Commissioner William Evans. Plaintiff Samson Racioppi hereby demands a trial by jury.

PARTIES

1. Samson Racioppi is an Army veteran and a free-speech activist devoted to Constitutional values. He was attending college full-time at the time of the allegations. Samson currently resides in Salisbury, MA.

Samson Racioppi  
8 Main Street  
Salisbury, MA. 01952  
[samracioppi@gmail.com](mailto:samracioppi@gmail.com)  
(978) 518-6564

2. Charlie Baker is the Governor of the State of Massachusetts and is vested with all executive and administrative powers of Massachusetts and is responsible for the proper administration of all affairs of the State. Governor Baker currently resides in Swampscott, MA.

Governor Charlie Baker  
49 Monument Ave.  
Swampscott, MA. 01907  
(617) 725-4005

3. Mayor Walsh is the duly elected Mayor of the City of Boston. As Mayor he is vested with all executive and administrative powers of the City and is responsible for the proper administration of all affairs of the City. Mayor Walsh currently resides in Dorchester, MA.

Mayor Martin Walsh in his personal and official capacity  
1 City Hall Square  
Boston, MA. 02201  
(617) 635-4034

4. Commissioner William Evans oversaw operations of the Boston Police Department from January 2014 to August 2018.

BPD Commissioner William Evans  
One Schroeder Plaza  
Boston, MA. 02120  
(617) 343-4500

#### JURISDICTION AND VENUE

5. Jurisdiction is proper in this District pursuant to 28 U.S. Code §1331 because Samson asserts a cause of action under Federal Law. Samson alleges a cause of action under the

First and Fourteenth Amendments of the United States Constitution, as well as the 42 U.S. Code §1983 Civil action for deprivation of rights.

### GENERAL ALLEGATIONS

#### **Samson's role in the event**

6. On August 11 & 12, 2017, in Charlottesville VA, a white nationalist "Unite the Right" rally occurred. On August 12, 2017 Heather Heyer was killed when a vehicle plowed through a crowd of people.
7. Heather Heyer's death caused nationwide media to focus on the upcoming Boston Free Speech rally, scheduled a week later on the Boston Common.
8. There was no relationship between the rally in Charlottesville and the rally in Boston.
9. Prior to the events in Charlottesville, Samson was originally going to attend the event as a spectator. After Charlottesville, many speakers were either disinvited or backed out from participating. On August 15, 2017 Samson reached out to the organizers and asked to become a speaker. He was added as a headline speaker the next morning.
10. After being appointed as a headline speaker, Samson performed numerous media interviews where he stated "I'm not a white Supremacist. I'm not a neo-Nazi. I'm not a member of the KKK." Samson also stated that if members of those hate groups were to attend, he would side with the protesters "as long as the protesters are also not extremists." These statements were widely distributed via the media.
11. On August 19, 2017 Samson arrived at the Common intending to speak at the bandstand. He walked around the gathering crowd and spoke with multiple protesters. Samson

openly stated that he was a headline speaker for the event, and many protesters were open to his message. Samson walked through the crowd without any security issues from protesters.

12. Prior to the event's start time, Samson approached a police officer standing near the outer perimeter of the secure area. Samson informed the police officer that he was a headline speaker, and that he needed to gain access to the bandstand. The unidentified police officer told Samson that he could not let him in, but if he walked clockwise around the perimeter he would find an entry point.
13. Samson walked clockwise around the perimeter looking for the entrance. At that point he found numerous members of the media also attempting to gain entry. Samson performed a couple of quick interviews with the media before continuing to seek entry.
14. Samson again approached the outer perimeter of the secure area, but there were no police officers to let him in because they moved to the inner perimeter. Samson talked with many members of the public, including media and protesters, who stated the police were not letting anyone inside.
15. Once it was clear to Samson that he would not be allowed inside the secure area, he continued walking around the crowd speaking with protesters and the media.
16. A short while later, Samson observed the flags being removed from the bandstand and the speakers being ushered away with a police escort.
17. The crowd of protesters quickly dispersed. Samson and his friends stayed on the Common until he received a phone call from an organizer stating that a very large crowd of more protesters was about to arrive, and the organizer stated they may be violent. The

organizer also stated to Samson that a large group of riot police were about to 'clear' the Common.

18. Samson observed the crowd marching down Charles Street. They were making a lot of noise and carried signs.

19. Samson and his group immediately left the Common.

### **Mayor Walsh's Role in the Event**

20. Mayor Walsh was in charge of overseeing the executive operations of Boston during the time in question.

21. Mayor Walsh stated to the media on August 12, 2017, "The whole premise behind what they're doing there – the white supremacist group and the neo-Nazis, I don't quite understand what their message is. From my understanding they want to come to Boston next week. There's no place for that type of hate." This statement was clearly in reference to the upcoming free-speech rally scheduled in Boston that Samson planned to attend and speak at. This statement was repeated numerous times on nationwide media.

22. On August 13, 2017 Mayor Walsh used his platform as Mayor of a major metropolitan city and said to the press "We don't need this type of hate. So my message is clear to this group. We don't want you in Boston. We don't want you on Boston Common. We don't want you spewing the hate that we saw yesterday, and the loss of life." This statement was clearly made in reference to those organizing and attending the upcoming free-speech rally and was repeated on numerous national media news outlets reaching millions of viewers.

23. On August 14, 2017 Mayor Walsh continued to falsely and maliciously accuse the free-speech group as being white supremacists, neo-nazis, and domestic terrorists, while indicating that he will use his power as Mayor to prevent the group from engaging in Constitutionally protected activities by stating: “We reject racism, we reject white supremacy, we reject anti-Semitism, we reject the KKK, we reject neo-Nazis, we reject domestic terrorism and we reject hatred, and we will do every single thing in our power to keep hate out of our city.” This statement was repeated on numerous national media news outlets, also reaching millions of viewers.
24. Between August 14 to 18, 2017 Mayor Walsh repeatedly stated to the media that the organizers of the upcoming free-speech rally were hateful and used rhetoric indicating that the free-speech rally may intentionally become violent.
25. On August 18, 2017 with Governor Baker and Commissioner Evans in front of a “City of Boston” banner during a press conference, Mayor Walsh disregarded a question asked by the media about how the organizers of the free-speech rally can be categorized as a hate group because they invited a representative of Black Lives Matter, (“BLM”) to speak: “No, I think that—who invited them? No, I don’t know, I didn’t hear that. That’s something— I don’t know.” He then continued to equate the group as hateful, even though they invited BLM—A movement fighting for the rights of African-American people—to speak.
26. On August 19, 2017 the City executed its security plan developed by Mayor Walsh and the other Defendants, which deprived Samson of his Constitutionally protected rights.

27. During the free-speech rally, Mayor Walsh marched with protesters against the participants of the free-speech rally.

**Governor Baker's Role in the Event:**

28. Governor Baker is in charge of directing and overseeing all actions taken by the executive branch of the State of Massachusetts.
29. On August 18, 2017 Governor Baker held a joint press conference where Mayor Walsh made defamatory statements to the press regarding Samson and the free-speech rally. Governor Baker's presence at this press conference gave additional credibility to Mayor Walsh's false and damaging rhetoric.
30. On August 18, 2017 Governor Baker stated that he and the State of Massachusetts were working closely with Mayor Walsh and the City to coordinate efforts in Boston for the upcoming free-speech event.
31. Governor Baker planned and coordinated a security plan in conjunction with the other defendants in response to the August 19, 2017 free-speech rally which resulted in the denial of media, participants, speakers, and Samson, from attending or engaging in their Constitutionally protected activities.

**BPD Commissioner William Evans' Role in the Event**

32. Commissioner Evans worked closely with other defendants to develop a security plan for the permitted free-speech rally on August 19, 2017.



33. On August 18 during a press conference, Commissioner Evans stated that the city is used to handling large crowds and after coordinating with State and Federal officials, he is confident that there are no security threats.
34. During the free-speech event, Police executed the security plan which excluded members of the media, participants, and speakers including Samson from engaging in their Constitutionally protected activities.
35. After the free-speech event concluded, Commissioner Evans expressed his satisfaction to the media that participants were excluded from engaging in their Constitutionally protected activities: “We had a job to do. We did a great job. I’m not going to listen to people who come in here and want to talk about hate. And you know what? If they didn’t get in, that’s a good thing because their message isn’t what we want to hear.” This clearly indicates that the restrictive measures taken against the free-speech participants including Samson were not solely based on public safety concerns.

#### COUNTS

**Claim 1: Defendants Deprived Samson of First Amendment right to exercise free-speech when he was unreasonably denied access at a public event run by them.**

36. Defendants Governor Baker, Mayor Walsh, and Commissioner Evans planned and executed the City's response to a free-speech rally on August 19, 2017. At that event, Samson was unreasonably prevented by uniformed police officers from performing his speech as an advertised speaker.

37. This action was unreasonable since there was no threat to the public and preventing Samson from speaking at this event did not benefit the community in any way but in contrast it violated a citizen's right to free speech. Defendants had knowledge of the fact that the event was not dangerous as on August 18, 2017 the Commissioner stated that he spoke to the FBI and established that "there's no threats to this march tomorrow."
38. Defendant Mayor Walsh stated numerous times in the media that if it were up to him, the city would not provide a permit to the free-speech organizers or allow them to engage in their constitutionally protected activities.
39. Samson attempted to engage in a Constitutionally protected activity by participating and speaking at a planned and permitted free-speech rally. Defendants' actions directly prevented Samson from engaging in his Constitutionally protected activities by shutting down access to the Parkman Bandstand.

**Claim 2: Defendants deprived Samson of equal protection under the law when they disproportionately allowed protesters to use their right to free speech while unreasonably restricting Samson's right to the same.**

40. Thousands of protesters assembled on the Boston Common on August 19, 2017, to protest who they thought were members of hate groups. The defendants made numerous restrictions on what types of activities were allowed on the Common and then disproportionately applied those restrictions to only participants of the free-speech rally; not to those who chose to protest it. As a result of the disproportionate application of

security measures, Samson and others were denied their right to receive equal treatment under the law--a violation of the Fourteenth Amendment to the Constitution.

**Claim 3: Defendants Mayor Walsh and Commissioner defamed Samson when they made false statements portraying him as a member of the KKK, neo-nazi, white supremacist, and racist.**

41. Defendant Mayor Walsh stated to the media on August 12, 2017, “The whole premise behind what they’re doing there – the white supremacist group and the neo-Nazis, I don’t quite understand what their message is. From my understanding they want to come to Boston next week. There’s no place for that type of hate.”
42. This statement equated the tragedy that occurred at an unrelated free-speech rally in Charlottesville, VA, when a car plowed into a crowd and killed a young woman, with the organizers, their speakers, and the participants of the upcoming free-speech rally planned on August 19, 2017. The statement is false, it was made about all of the participants and speakers of the upcoming rally, including Samson. The statement was said to the media and widely reproduced to Samson’s community. Mayor Walsh was running for office at the time and did not care whether the statements were true or not because of his campaign and the attention he was receiving from the media, which clearly indicates malice.
43. On August 13th, Mayor Walsh used his platform as Mayor of a major metropolitan city and said to the press “We don’t need this type of hate. So my message is clear to this group. We don’t want you in Boston. We don’t want you on Boston Common. We don’t want you spewing the hate that we saw yesterday, and the loss of life.” This statement

was clearly made in reference to those organizing and attending the upcoming free-speech rally.

44. After the free-speech rally concluded, Commissioner Evans stated “We had a job to do; we did a great job,” he said. “I’m not going to listen to people who come in here and want to talk about hate. And you know what, if they didn’t get in, that’s a good thing ’cause their message isn’t what we want to hear.” This statement characterized the speakers and participants of the free-speech rally as individuals who wanted to talk about hate. Commissioner Evans’ statement was broadcast in local and nationwide media outlets.

45. On numerous other occasions throughout the week leading up to the event, Defendants Governor Baker, Mayor Walsh, and Commissioner Evans characterized the free-speech group, including Samson, as members of hate groups including the KKK, neo-nazis, white supremacists, and racists. These false statements were repeated by the press throughout the local and nationwide media, defaming the group, and were made with a reckless disregard for the truth because of the intense media interest coinciding with Mayor Walsh’s re-election campaign.

### RELIEF

#### **Count 1:**

Nominal Damages -- \$1 dollar for the violation of Samson's Constitutional rights.

Punitive Damages -- \$100,000,000 because the defendants either intended to deprive Samson of his rights or acted with reckless disregard for his Constitutionally-protected rights.

**Count 2:**

Nominal Damages -- \$1 dollar for the violation of Samson's Constitutional rights.

Punitive Damages -- \$100,000,000 because the defendants acted intentionally or with reckless disregard for Samson's Constitutionally protected rights.

**Count 3:**

Nominal Damages -- \$1 dollar for the violation of Samson's rights

Actual Damages -- \$10,000,000 for the damage to Samson's reputation

Punitive Damages -- \$50,000,000 because the statements were either intentionally defamatory or were made with reckless disregard of whether they were true or not.

CERTIFICATION & CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing 11/05/2020

Signature of Plaintiff 

Printed Name of Plaintiff Samson Raciberry